



Wichita Police Department Policy Manual

Approved by: _____

Policy 708 - Physical Evidence/Found and Personal Property

Page 1 of 10

Maintained by:
Technical Services

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GENERAL GUIDELINES FOR TURNING IN EVIDENCE AND PROPERTY

- 708.01 When submitting items of physical evidence, found property and personal property, officers / investigators shall group these items giving consideration to ownership, location of storage, type of examinations that will be requested, and whether the items are evidence, found, or personal property. All items of evidence will be correctly marked, identified and submitted to ensure evidentiary value. Property bags or envelopes containing items of physical evidence or found or personal property shall be sealed with evidence tape and marked with the officer's initials and identification number. Staples shall not be used to close any bag, envelope, or outermost container and may only be used to affix property receipts or lab request forms.

OFFICER RESPONSIBLE FOR SUBMITTING PHYSICAL EVIDENCE

- 708.02 An officer is responsible for collecting and turning in all evidence connected with a case for which he/she is the reporting officer, except when a Crime Scene Investigator is requested and responds to the scene. Under these circumstances, the responsibility to submit evidence shifts to the Crime Scene Investigator, unless directed otherwise by a supervisor. The Crime Scene Investigator is responsible only for the physical evidence associated with the crime scene. Disposition of personal property connected with the incident remains the reporting officer's responsibility. Unless exigent circumstances or officer safety is an issue, any officer who disturbs the original condition of any evidence shall be responsible for submitting it.

SEARCH WARRANTS AND WAIVERS TO SEARCH

- 708.03 Unless directed differently by a supervisor, Crime Scene Investigators assisting with serving a search warrant or waiver to search shall be responsible for photographing, collecting and submitting only physical evidence specified in the search warrant. Crime Scene Investigators will do so only if said evidence has not been moved or tampered with in any manner.

OFFICERS PROCESSING OF MINOR CRIME SCENES

- 708.04 R A. The decision to process a minor crime scene is left to the discretion of the Field Supervisor and the officer trained to take photographs, lift latent fingerprints and/or collect and preserve biological/DNA evidence.
- B. Only officers who have received special training shall be permitted to conduct fingerprint and DNA collection efforts, and they are allowed only at minor crime scenes (e.g. auto thefts, larcenies from auto, simple burglaries, etc.). Minor crime scenes are defined as non-death related incidents that can be quickly processed and limited to the collection of photographs and/or other evidence not requiring the technical expertise of a Crime Scene Investigator for its collection and preservation.
- C. Officers who collect latent fingerprints shall place them into a separate 5" X 7" evidence envelope by themselves and shall submit them as evidence at any WPD evidence locker. The Property and Evidence Section shall be responsible for picking them up on a daily basis (on regular workdays) from all WPD evidence lockers, and deliver them to the WPD Laboratory Section.
- D. Officers who collect DNA samples/swabs shall place them into the appropriate, paper container, seal them in a separate, paper evidence envelope by themselves and submit them as evidence at any WPD evidence locker. The Property and Evidence Section shall be responsible for picking them up on a daily basis (on regular workdays) from all WPD evidence lockers.
- E. Officers who collect or attempt to collect latent fingerprint lifts and DNA samples/swabs shall make a notation to that effect in the Incident Report.

LOCATIONS FOR SUBMITTING EVIDENCE AND PROPERTY

- 708.05 Twenty-four (24) hours a day, seven (7) days a week [including holidays], all physical evidence, found, and personal property shall be submitted either to the Officer Evidence Turn-in Area of the Property and Evidence Facility [410 N. Waco], the hazardous storage area located at 430 N. Waco (North end of the Rounds and Porter Building) or to the evidence lockers at the Sub-Stations [Patrol North - 3015 E. 21st St., Patrol East - 350 S. Edgemoor, Patrol South - 211 E. Pawnee and Patrol West - 661 N. Elder] except as provided in Sections 708.09 through 708.27.

ACCESS TO EVIDENCE TURN-IN AREA AT PROPERTY FACILITY

- 708.06 R Entrance to the Officer Evidence Turn-in Area at the Property and Evidence Facility is gained through the marked door on the west side at the Property and Evidence Facility. Officers must use their WPD identification/proxy card to gain access to the facility and to deactivate the alarm system. The Officer must also reactivate the system using their ID/proxy card when leaving the facility.

GENERAL PRINCIPLES FOR SUBMITTING ITEMS OF EVIDENCE

- 708.07 Departmental Receipts [Form 322-402] shall be prepared for items of evidence [including found or personal property]. The form shall be filled out and shall remain with submitted articles [including bicycles]. Items too large to be submitted in the cabinets at the Sub-Stations should be transported to the Property Facility and placed in the Officer Evidence Turn-in Area with the Receipts. Items such as motors, fenders, and safes are submitted to the hazardous

storage area located at 430 N. Waco (North end of the Rounds and Porter building). The Departmental Receipts are submitted to any Evidence Locker at the Sub-Stations or Property and Evidence Facility; see 708.22. Any officer submitting evidence or property shall promptly contact the Case Desk to enter the case information.

- 708.08 All items of physical evidence shall be marked with the Incident Number; date acquired, the acquiring officer's initials and identification number, and shall be properly packaged and/or tagged before being turned in. Small items shall be marked in a manner to allow the officer / investigator to identify them or the container used to package them. All packages of property shall be sealed with evidence tape.

ITEMS ALWAYS SUBMITTED TO THE LABORATORY SECTION

- 708.09 The following items of physical evidence, along with the required Departmental Receipts, Evidence Custody Document, and Request for Laboratory Examination shall always be submitted to the Laboratory Section:
- A. Items requiring examination or forensic processing for the collection and preservation of latent fingerprints.
 - B. A separate Departmental Receipt shall be completed for each of the different types of evidence listed above. Officers submitting these items of evidence shall follow instructions posted in the Lab.

ITEMS SUBMITTED BY OUTSIDE AGENCIES

- 708.10 A. Items submitted directly by outside agencies shall always be submitted to the Laboratory Section during normal business hours.
- B. Outside agency evidence:
- 1. Evidence being submitted by another agency for examination/processing in the WPD Laboratory will be received after an Incident Number is obtained and case information entered by the Case Desk.
 - 2. The Laboratory personnel receiving the evidence will obtain the Incident Number and enter the information via the Case Desk.
 - 3. The laboratory personnel receiving the evidence will sign the requesting agency's Departmental Receipt forms.
 - 4. Outside agency packaging materials and marking shall be retained and submitted to the case.
 - 5. Evidence being submitted by another agency for examination/processing will receive a letter informing the owner (outside agency) that the property is in Departmental custody and that it will be held for a period of thirty (30) days from receipt of the letter. If the property is not claimed during normal business hours by the end of the thirty (30) day period, it will either be destroyed or sold at public auction, in accordance with Title 2, Chapter 2.20. of the Code of the City of Wichita. If the letter is returned undeliverable, it will be made a permanent part of the case.

FOUND PROPERTY

- 708.11 A combination of Common Law, Kansas Case Law, and Wichita City Ordinance 2.20.020 creates an obligation for law enforcement agencies to release submitted FOUND PROPERTY to either its rightful owner, or to a "person entitled to possession." "Entitled persons" includes those who have found an item (or items) of property, and have turned it (them) over to the custody of a law enforcement agency.
- A. The Wichita Police Department is required by law to hold found property for thirty (30) days to first accommodate claim by its rightful owner. After expiration of this thirty-day period, the property may be released to the "finder" [reporting person] as an "entitled person," if the rightful owner has failed to claim the property. Exception: Found firearm property cannot be claimed by the finder.
 - B. A WPD officer who comes in to possession of found property must adhere to the following procedures:
 - 1. When a citizen is the finder of the property, direct him/her to contact the Property and Evidence Facility by phone 303-8220 during normal business hours for claim procedures.
 - 2. Obtain an Incident Number, and contact the Case Desk promptly to enter the data. Case information must be entered before the end of the officer's shift.
 - 3. Members of the Department are prohibited from claiming any found property which they find while on duty, or from claiming any found property which is turned over to their custody by a citizen while a member is either on or off duty.

PERSONAL AND FOUND PROPERTY

- 708.12 Personal and found property shall be turned in using the same guidelines given above for submitting evidence, except that these items need not be marked. During the booking process if a prisoner fails to sign the property receipt, all property will be turned in as personal property and submitted to Property and Evidence.

BIO-HAZARDOUS EVIDENCE AND PERSONAL/FOUND PROPERTY

- 708.13 Departmental Receipts and packages (sacks/envelopes) for evidence or personal/found property removed from a body cavity or contaminated with blood or other body fluids shall always be marked with a bio-hazard label or the words "bio-hazard" printed on the receipt and package.

SUBMITTING LATENT FINGERPRINT EVIDENCE

- 708.14 R Latent fingerprint evidence submitted by officers shall be submitted in separate 5" X 7" evidence envelope with a separate evidence receipt. The original will be scanned into LaserFiche by Records. Latent fingerprints may be submitted at any WPD evidence locker. The Property and Evidence Section shall be responsible for picking them up from the Sub-Station to deliver them to the Laboratory Section.

SUBMITTING BLOOD OR URINE

- 708.15 When submitting blood or urine, the evidence vial shall be sealed with evidence tape and marked by the officer. In addition, the vial should be placed in a plastic bag prior to placement in an evidence bag and sealed with evidence tape. This evidence shall be placed inside the refrigerator in the evidence turn-in room of Property and Evidence.

SUBMITTING DRUG EVIDENCE

- 708.16 A. All drug evidence and articles of paraphernalia that have drug residue adhering to them shall be submitted at any Patrol Substation or the Property and Evidence Facility, Officer-Turn-In-Room, 410 N. Waco, along with the necessary Departmental Receipts and Evidence Custody Document. The outer evidence-envelope shall be sealed with a piece of evidence tape and marked with the Incident Number, date acquired, officer's initials and identification number. Scotch tape may be used to make small tags for marking the case number and other needed information on the items inside the evidence envelope.
- B. Items of paraphernalia that are used simply to store, contain or conceal illegal drugs and do not have residue adhering to them shall be handled in the following manner: [a] If the paraphernalia is some sort of container [this includes vials, baggies, film and/or prescription medicine containers, cosmetics cases, eyeglass cases, wallets, etc.], the paraphernalia and the drugs are to be submitted at any Patrol Substation or the Property and Evidence Facility, along with the necessary Departmental Receipts and Evidence Custody Document; [b] If the paraphernalia is an article of clothing in which otherwise unprotected drugs were found [this includes, but is not limited to: hats, socks or shoes, shirts, pants, sweaters and coats or any other garment that has pockets], the paraphernalia is to be separated from the drugs and both are to be submitted at any Patrol Substation or the Property and Evidence Facility along with the necessary Departmental Receipts. The Evidence Custody Document needs to be completed only for drug evidence.
- C. Drug evidence that is to be submitted for latent fingerprint testing is to be submitted to the Laboratory Section and secured in a drug-evidence bin, along with the necessary Departmental Receipts, Evidence Custody Document, and W.P.D. Request for Laboratory Examinations.
- D. Found property drugs must be submitted at any Patrol Substation or the Property and Evidence Facility, with the necessary Departmental Receipts.
- E. All officers' shall adhere to the placards in the Laboratory Section, substations, and Property and Evidence Facility Officer-Turn-In-Room, 410 N. Waco for the correct packaging and marking of drug evidence.

SUBMITTING ALCOHOL EVIDENCE

- 708.17 All alcohol evidence can be submitted to any substation. Alcohol evidence requiring testing for latent finger prints must be submitted to the Laboratory Section with the WPD Request for Laboratory Examination along with the Departmental Receipt. Evidence requiring immediate testing (felony cases, hold for State warrant, etc.) at the Sedgwick County Regional Forensic Science Center (SCRFSC) must have the Evidence Custody Document and SCRFSC Laboratory Examination Request form, along with the Departmental Receipt. EXCEPTION: The Service Officer will complete the SCRFSC forms on cases charged through Municipal Court. Alcohol evidence must be separated from other evidence.

SUBMITTING MONEY [CURRENCY]

- 708.18 All amounts of money shall be counted by the submitting officer and at least one other department member. An electronic bill counter is available in the Officer-Turn-In-Room to assist Officers with accurate totals of monies. Both the officer and the witness shall sign the receipt. Money shall be placed by itself into an evidence envelope or sack and sealed with evidence tape. The tape shall be marked with the officer's initials and identification number. The total being submitted shall be written on the envelope and Departmental Receipt.
- A. MONEY UNDER \$1,000 shall be submitted to any Sub-Station evidence locker or the Property and Evidence Facility, unless it needs processing by the Laboratory Section.
- B. MONEY OVER \$1,000 shall be submitted only at the Property and Evidence Facility, Officer-Turn-In-Room, 410 N. Waco, and shall be placed into the drop safe that is located on the East wall.

SUBMITTING WET AND/OR BLOOD-STAINED CLOTHING

- 708.19 Wet and/or blood-stained clothing must be dry before it is packaged. Wet and/or blood-stained clothing, un-related to a

Homicide investigation, shall be placed in the drying cabinet units, located in the Officer Evidence Turn-in Area at the Property and Evidence facility. Officers will separate the clothing with sheets of clean brown "Kraft" paper to prevent cross contamination of evidence. The paper will be placed in a trash container to be destroyed after the clothing is dry.

Separate Departmental Receipts and packaging shall be completed and left by the cabinet for those items being stored. The submitting officer should return to the drying cabinet by the conclusion of his/her current working shift when possible, and must return at the beginning of his/her next working shift, in order to submit the garments in the same manner as all other physical evidence.

Following retrieval and packaging of the garments, officers will sanitize/disinfect the drying cabinet in which the garments were stored.

708.20 SUBMITTING WET AND/OR BLOOD-STAINED CLOTHING RELATED TO HOMICIDE INVESTIGATIONS

- R Wet and/or blood-stained clothing must be dry before it is packaged. Wet and/or blood-stained clothing related to a Homicide investigation will be collected by a Crime Scene Investigator if possible. Wet and/or blood-stained clothing related to a Homicide investigation will be stored and dried within the drying cabinet units, located within the CSI Evidence Turn-in Area at the Property and Evidence facility, for potential trace evidence preservation.

Officers collecting wet and/or blood-stained clothing related to a Homicide investigation will contact a Persons Crimes or Technical Services Supervisor for approval.

Separate Departmental Receipts and packaging shall be completed and left by the cabinet for those items being stored. The submitting officer should return to the drying cabinet by the conclusion of his/her current working shift when possible, or must return at the beginning of his/her next working shift, in order to submit the garments and trace evidence filter in the same manner as all other physical evidence.

Following retrieval and packaging of the garments, officers will sanitize/disinfect the chamber in which the garments were stored.

SUBMITTING BICYCLES

- 708.21 R Bicycles shall be turned into the Officer Evidence Turn-in Area of the Property and Evidence Facility. The bicycle shall be marked with a tag wired to the handlebars. The Departmental Receipts shall be stapled to the tag. The receipt should include the make, model, serial number, speed, size and color of the bicycle.

SUBMITTING SEXUAL ASSAULT KITS

- 708.22 R A. Sexual Assault Evidence Kit: Crime Scene Investigators who collect sexual assault kits from local hospitals or other facilities must submit the kits at the WPD laboratory or the Property and Evidence Facility. Crime Scene Investigators will follow the posted instructions at the Officer Evidence Turn-in Area of the Laboratory or Property and Evidence.
- B. Other associated evidence, such as the victim's clothing, will normally be received from the nursing staff in sealed bags/containers. The Crime Scene Investigators will obtain information from the nursing staff as to the condition and contents of the items inside the sealed package. Crime Scene Investigators will not break the seal of the package unless the clothing is not dry. The Crime Scene Investigators will mark the exterior of the sealed package with the WPD case number, date acquired, officer's initials and I.D. number. That sealed package will then be placed in appropriate WPD packaging material then sealed and submitted at any Property and Evidence Turn-in Area other than the laboratory.
- C. Packages containing items that are wet must be transported to Property and Evidence. Officers will open the sealed package and place the moist clothing in the drying cabinet to dry. Officers will return to Property and Evidence within 24 hours of your next work day to remove the dried clothing from the drying cabinet. Officers will carefully repackage the dried evidence in the original package in which it was received. The officer will tape up the area where he/she opened the original package and initial the new tape seal. The officer will then submit the tape sealed original package into appropriate WPD outside packaging. The package will then be sealed and submitted to Property and Evidence as evidence.

SUBMITTING LARGE ITEMS

- 708.23 R Items too large to fit securely in the evidence lockers provided at the Sub-Stations shall be taken to the Property and Evidence Facility located at 430 N. Waco (North side of the Rounds and Porter building) [e.g., console TV].
- A. The following items shall always be turned in at the hazardous storage area located at 430 N. Waco (North side of the Rounds and Porter building).
1. Large motors, vehicle parts, auto batteries, tires;
 2. Lawn mowers;
 3. Flammables including gas cans, barrels and other containers used to hold volatile materials;

4. Boats, safes or any other item too large to be accommodated in the Officer Evidence Turn-in Area at the Property and Evidence Facility. When property is submitted at this location, completed Departmental Receipts shall be turned in at any evidence locker before the end of the officer/investigator's shift. The receipts shall be marked with the words: "hazardous storage."
- B. Officers will enter the hazardous storage area through the west side door marked Hazardous Storage. Officers must use their WPD identification/proxy card to gain access to the facility.
- C. Placards placed on the wall will indicate where property is to be placed. All items will be placed in the area that is specified by year.

SUBMITTING DOCUMENT EVIDENCE

- 708.24 When a Departmental member collects document evidence [i.e. notes, counterfeit ID's, checks, money orders, US currency, store receipts, mail, lists of lost or stolen property, etc.] that will not be processed for latent prints or trace evidence, the officer will:
- A. Make, or have made, an image or photocopy of the original document(s) prior to submitting the original(s) as physical evidence.
 - B. The officer or employee shall, prior to the end of her / her tour of duty, submit the image or photocopy of the document(s) with his / her mail to Records to be scanned into LaserFiche and filed in the case jacket by Records personnel.
 - C. When large numbers of documents are seized:
 1. The officer or employee shall make images or photocopies of a reasonable sampling of the original documents that support probable cause of the crime alleged.
 2. The officer or employee shall, prior to the end of his / her tour of duty, submit the images or photocopies with his / her mail to Records to be scanned into LaserFiche and filed in the case jacket by Records personnel.
 - D. The original document evidence should be sorted, packaged, and itemized by identifiable victim name or identifying numbers when possible, and shall be turned in to Property and Evidence as physical evidence.

SUBMITTING PHOTOGRAPHIC EVIDENCE IN SHOPLIFTING CASES

- 708.25 In all shoplifting cases [felony and misdemeanor] occurring at stores where store personnel wish to photograph their evidence so that it may be returned to inventory. Refer to 707.00-Photograph Section 707.07, and 707.08.
- A. Have a representative of the store photograph the evidence [whether perishable or non-perishable] in the hands of a store employee, or in some setting that clearly shows the size of the object.

SUBMITTING SHOPLIFTING CASE EVIDENCE

- 708.26 In shoplifting cases involving businesses, which do not have a camera, officers shall adhere to the following:
- R
- A. In felony cases involving non-perishable items, the evidence shall be turned into either the Sub-Stations or Property and Evidence Facility evidence lockers.
 - B. In felony cases involving perishable items, an official, Departmental photograph of the evidence shall be taken, and Policy 707.00-Photographs Section 707.07 and 707.08 complied with. The evidence shall then be released to its owner.
 - C. In misdemeanor cases involving perishable or non-perishable items, an official, Departmental photograph of the evidence shall be taken, and Policy 707-Photographs, Section 707.07 and 707.08 shall be followed. The evidence shall then be released to its owner.

IN ALL OTHER TYPES OF THEFT CASES

- 708.27 Evidence may be returned to its owner after official Departmental photographs have been taken. In these instances, policy 707.00 [PHOTOGRAPHS, Sections 707.07 and 707.08] shall be followed.

PERISHABLE EVIDENCE [OWNER NOT KNOWN / AVAILABLE]

- 708.28 If the owner of perishable evidence is unknown or cannot be located, a field supervisor should be contacted for instructions regarding its disposition.

SUBMITTING FIREARMS

- 708.29 All firearms shall be turned in as physical evidence regardless of the circumstances under which they are obtained.

Firearms are never submitted as found property or personal property. All Firearms will be submitted UNLOADED, if possible, to the Property and Evidence Section, 410 N. Waco, unless the firearms require processing for latent fingerprints or trace evidence.

- A. Officers shall exercise caution and practice safe handling procedures while transporting and unloading all firearms. When unloading a firearm, officers shall use one of the bullet containment devices available at the patrol substations or at Property and Evidence Facility. Officers shall follow the Firearms Clearing Procedure Placard provided with the clearing traps.
- B. Officers who are unable to safely unload a firearm shall submit the firearm at Property and Evidence in the evidence cabinet marked: "LOADED."
 - 1. Officers will not attempt to unload any black powder firearm.
 - 2. Officers will be notified to promptly contact the Property and Evidence Section to mark their evidence after the firearm has been made safe.
- C. The emptied firearm shall be marked in the manner described on the wall placards in the Officer Evidence Turn-in Area before placing it in a gun cabinet.
- D. The emptied firearm shall be placed in a gun cabinet with the proper Departmental Receipts attached. If the firearm has a magazine, it will be emptied and re-inserted into the firearm. The ammunition removed from the firearm shall be placed in a firearms coin envelope and attached to the evidence tag wired to the trigger guard.
- E. The firearm will be left open showing an emptied chamber, if possible.
- F. Ammunition found, not loaded in a firearm, that needs to be submitted shall be submitted in a 5 X 8" envelope with a separate Departmental Receipt. All turned in ammunition shall be turned in as physical evidence regardless of the circumstances under which it was obtained. Ammunition is never to be submitted as found property or personal property.

FIREARMS SUBMITTED TO LABORATORY

708.30 R All firearms involved in a death investigation (i.e. homicide, suicide, accident) or a felony investigation (i.e. robbery, aggravated assault, sexual assault, felony weapons possession, narcotics), which need to be processed for latent fingerprints or trace evidence, shall always be submitted to the WPD Laboratory.

- A. All firearms submitted to the WPD Laboratory shall be submitted with the proper Departmental Receipts. The words "LOADED" will be printed in large letters on the face of the receipt and evidence tag. Officers shall leave the evidence tag and appropriate paperwork with the firearm. The evidence tag shall not be wired to the firearm until after the firearm has been processed. Officers shall not mark the firearm for identification and will handle it as little as possible so not to disturb any trace evidence. Officers will be notified after forensic testing is completed to mark the firearm for identification.
- B. The submitting officer shall complete the WPD Request for Police Laboratory Examination form describing the type of examination or processing that is being requested.
- C. The firearm shall be placed in the cabinet under the counter in the Officer Evidence Turn-in Room of the WPD Laboratory. All Departmental Receipts and Requests for Examinations shall be placed with the weapon.
- D. After the firearm has been processed the submitting officer will be notified to promptly pick up the evidence, mark and transport the firearm to the Property and Evidence Facility at 410 N. Waco. The firearm shall be secured in a gun cabinet in the Officer Evidence Turn-in Area.

REQUEST FOR EXAMINATION EVIDENCE BY THE SEDGWICK COUNTY REGIONAL FORENSIC SCIENCE CENTER (SCRFSC)

708.31 Detective/Officer requesting examinations at the SCRFSC shall adhere to the following procedures:

- A. Evidence submitted to the SCRFSC having no immediate urgency for examination:
 - 1. The detective/officer shall submit to Property and Evidence the SCRFSC Evidence Receipt and Examination Request forms describing the evidence, bin location and specific examination requested.
 - 2. The WPD Service Officer will pull the described evidence and attach the SCRFSC Evidence Receipt and the SCRFSC Examination Request, log the evidence out to the SCRFSC for examination or testing and transport it in a manner consistent with the WPD Technical Services Bureau and SCRFSC S.O.P.
 - 3. When the examination and written reports have been completed by the SCRFSC Technician, the evidence and report will be returned to the WPD Property Section in a manner consistent with the WPD and SCRFSC S.O.P.

4. Reports from the SCRFSC Technician shall be delivered promptly by the Service Officer for immediate distribution.
- B. Evidence submitted to the SCRFSC needing examinations in exigent circumstances:
1. The Detective/Officer will hand carry to the WPD Service Officer or the Lab Supervisor, if the evidence is still in the custody of the Lab, the completed SCRFSC Evidence Receipt and Laboratory Examination Request describing evidence, the bin location where it is stored and examination being requested.
 2. The Service Officer/Lab Supervisor will pull the described evidence and log it out to the detective/officer for examination at the SCRFSC.
 3. The requesting detective/officer will be responsible for transporting the evidence to the Evidence Technician at the SCRFSC.
 4. When the examination and written reports have been completed by the SCRFSC Technician, the SCRFSC Evidence Technician will call the submitting detective/officer requesting that the evidence and report be promptly picked up.
 5. The Detective/Officer who checked the evidence out from the Lab shall be responsible for promptly returning the evidence to the Lab Section. The Service Officer will return evidence checked out from the WPD Property and Evidence Section.

INDICATORS ISSUED BY THE TECHNICAL SERVICES DIVISION

708.32 The Technical Services Bureau is responsible for examining all evidence submitted to that unit. The Property and Evidence Section shall verify that evidence has been properly identified and submitted, and that all necessary forms have been correctly completed.

- A. When an error is found in an identification marking, or in completion of forms or tags, or in the submission of any property, Technical Services Bureau personnel shall follow the instructions for Indicators on the Police Secure Portal Shared Documents site.
- B. Upon receiving an indicator issued by the Technical Services Bureau, the submitting officer shall immediately contact the appropriate section and make any corrections required to properly submit the evidence. Should the indicator require that a physical evidence receipt and/or tag be revised, the officer shall complete a new receipt or tag, and shall submit as physical evidence [under the original Incident Number] the receipts and/or tags, which were previously submitted incorrectly. The revised receipts and/or tags shall be submitted with the evidence. The officer shall complete a Supplemental Incident Report, detailing all corrective action(s) taken in re-submitting evidence.

EVIDENCE CHECK-OUT SYSTEM

708.33 Officers or case detectives needing evidence for court shall check it out from the Property and Evidence Facility between 0745 and 1645 hours on the day, it is needed. [EXCEPTION: latent prints, which are checked out from the Laboratory Section]. All evidence leaving the Property and Evidence Facility must be checked out and entered into the computer tracking system. Evidence required for court shall be obtained only after the member of the Department who is assigned to the case receives a determination from Court Liaison Personnel or prosecuting attorney that the case will go to trial. The officer/detective shall be responsible for the custody and packaging of evidence not retained as evidence by the court.

- A. The Department member who checked evidence out for court shall be responsible for returning it to the Property and Evidence Facility at the conclusion of the court proceeding. Evidence checked out from the Laboratory shall be returned to the Laboratory.
 1. In the event evidence is held by the court, the member who checked it out shall be responsible for notifying the Property and Evidence Section.
 2. When notification is made to collect evidence that is held by the court or District Attorney it shall be picked up and returned to the Property and Evidence Facility.
 - a. When packages are sealed and have not been tampered with, a general notification can be made to the Property and Evidence Section to pick up the evidence.
 - b. When open packages need to be picked up, the Court Liaison is to contact the case detective who is to inventory and seal the packages prior to Property and Evidence personnel transporting the packages to the Property and Evidence facility.
 - c. When an Officer or Detective is notified by the Court or District Attorney of the evidence, it shall be the responsibility of the Officer or Detective to pick up the evidence and return it to the Property and Evidence Facility.

3. If the checked-out evidence consists of drugs or narcotics, and the original packaging of the evidence has been tampered with [i.e., the package containing the evidence was opened as an official part of a court proceeding] between the time it was signed out and the time it is returned, the evidence must be resealed by the officer and returned to the Property and Evidence facility or any substation.
- B. Any Department member who receives a subpoena to produce evidence for the defense shall notify the Bureau Commander responsible for the type of case involved. The Bureau Commander shall notify the City Attorney and prosecuting attorney to obtain their advice on the proper course of action to follow.

GENERAL GUIDELINES FOR RELEASE/DISPOSAL OF EVIDENCE AND PROPERTY

708.34 R Department members will receive computer printouts from the Property and Evidence Section for all property held as physical evidence for five (5) years, per State Statute. All cases assigned through the Case Management System will be sent directly to the member through their Section Supervisor. All unassigned cases will be sent to the proper section supervisor. Detectives and their supervisors will be given fifteen (15) working days to properly indicate the disposition of the property and return the printout to the Property and Evidence Section so that proper disposition can be made.

- A. If the evidence/property to be released exceeds \$1,000 or more in value, the Department member or supervisor authorizing its release shall be responsible for having a photograph taken which shows the owner [or person who receives the property] with the property released. The photograph will be a permanent part of the case.
- B. Prior to release of evidence or property, a member of the Property and Evidence Section shall request the person to whom it is to be released present a valid form of photo identification. The type of photo identification presented shall be noted on the Receipt for Property. Should the person have NO valid photo identification in his/her possession, the property shall not be released.
- C. Firearms that are released must indicate if the case was filed in Municipal, District, or Federal Court.
- D. No evidence will be disposed of in the following crimes as long as they remain unsolved without proper authorization from the Prosecuting Jurisdiction.
 1. Capital Murder
 2. 1st Degree Murder
 3. 2nd Degree Murder
 4. Terrorism
 5. Use of Weapons of Mass Destruction
- E. If biological evidence is present in the following cases, all evidence will be retained until the case is solved or the suspect has completed his/her entire sentence.
 1. Rape
 2. Aggravated indecent liberties/Indecent liberties
 3. Aggravated Sodomy/Sodomy
 4. Aggravated Indecent Solicitation of a Child/Indecent Solicitation of a Child
 5. Aggravated Sexual Exploitation of a Child/Sexual Exploitation of a Child
 6. Aggravated Sexual Battery
 7. Aggravated Incest
- F. All Evidence in cases with convictions pertaining to the crimes listed in 708.34 (D) & (E) will be retained until the defendant has completed his/her entire sentence, is deceased or by court order.
- G. All Evidence involved in Felony Convictions will be retained until the suspect has completed his/her entire sentence, is deceased or by court order.
- H. Evidence retained in misdemeanor cases will be held for five (5) years per Kansas statute of limitations, unless the defendant/suspect is deceased, has completed his/her entire sentence and appeal period, court ordered destruction or the case has been disposed of prior to prosecution by Lack of Prosecution (LOP). Evidence on cases dismissed without prejudice will be held for 5 years unless there is a court ordered disposition or prosecutor approval for disposition, prior to the expiration of the five (5) year period.

RELEASE/DISPOSAL OF PERSONAL PROPERTY

708.35 Unclaimed or unwanted personal property shall be disposed of by the Property and Evidence Section in accordance with the following guidelines:

- A. After the personal property has been in custody for seven (7) days and remains unclaimed, a letter shall be sent to its owner, if known. The letter will inform the owner that the property is in Departmental custody and that it will be held for a period of thirty (30) days from his/her receipt of the letter. If the property is not claimed during

normal business hours by the end of the thirty (30) day period, it will either be destroyed or sold at public auction, in accordance with Title 2, Chapter 2.20. of the Code of the City of Wichita. If the letter is returned undeliverable, it will be made a permanent part of the case.

- B. When the legal owner or person entitled to possession of the personal property cannot be located, or indicates he/she does not wish to have the property returned, the item(s) shall either be sold at auction or destroyed.
- C. The legal designee, legal guardian and/or Power of Attorney, may sign the Wichita Police Department Property Notarized Release Form (WPD Form 32-071) and Vehicle Notarized Release Form (WPD Form 32-070) to allow a designee to retrieve Property from the Property and Evidence Section.

RELEASE/DISPOSAL OF FOUND PROPERTY

- 708.36 After found property has been in police custody for seven (7) days and remains unclaimed, a letter shall be sent to its owner, if known. The letter will inform the owner that the property is in Departmental custody, and that the item(s) may be picked up during normal business hours. The letter shall also advise that the property shall be held for a period of thirty (30) days, and that if not claimed by him/her during that time, the property may be claimed by its finder [“person entitled to possession”]. If the letter is returned undeliverable, it will be made a permanent part of the case. If the property is not claimed by either its rightful owner or by its finder, it will either be destroyed or sold at public auction, in accordance with Title 2, Chapter 2.20, of the Code of the City of Wichita. The Wichita Police Department is NOT REQUIRED to send a letter to the finder of property to notify them of the fact that its rightful owner has failed to claim it within the initial thirty (30) day time period.

- A. “The legal designee, legal guardian and/or Power of Attorney, may sign the Wichita Police Department Property Notarized Release Form (WPD Form 32-071) to allow a designee to retrieve Property from the Property and Evidence Section”.

RELEASE/DISPOSAL OF NON-FIREARM PHYSICAL EVIDENCE

- 708.37 Only WPD Detectives and/or supervisors may approve the release of property being held as physical evidence through the use of a Receipt for Property [WPD Form 322-400]. When property being held as physical evidence by the Property and Evidence Section is no longer needed, the items shall be returned to the owner after the Department member assigned to the case [or his/her supervisor] prepares and signs a Receipt for Property [WPD Form 322-400] to authorize release of the item(s). The form shall be forwarded to Property and Evidence, and the owner shall be advised that the item(s) may be picked up there during normal business hours. The member/supervisor authorizing release of the property shall inform the owner that valid photo identification must be presented to the property clerk and that there is a 24-hour waiting period prior to the property being released. Property will not be released without photo identification. WPD Detectives and Supervisors shall update the synopsis of each case from which property is being released. The updated information shall include the name and ID of the Detective/Supervisor authorizing the release, the name of the party to whom the property is being released, and the date of release.

- A. When the legal owner or person entitled to possession of evidence and/or property cannot be located, or indicates he/she does not wish to have the property returned, the item(s) shall either be sold at auction or destroyed.
- B. Explosives, incendiary devices, and volatile materials shall not be released. They shall be destroyed by a formally trained bomb technician. The case detective/supervisor shall be responsible for authorizing release of boxed ammo only. Firearms and ammo shall not be released together. Ammo not retained for departmental use shall be destroyed.
- C. Firearms which have been ordered destroyed, drugs, and all drug paraphernalia shall be disposed of under the direction of the Supervisor of the Property and Evidence Section in the presence of a witness from Auditing and Accounts, as assigned by the Controller.
- D. Upon receiving proper authorization, Laboratory personnel shall destroy photographic evidence, fingerprint layouts, scale drawings of crime scenes, latent fingerprints, charts, and other items used as demonstrative aids according to the Technical Services Bureau S.O.P.
- E. All other physical evidence that is ordered destroyed shall be destroyed by authorized personnel assigned to the Property and Evidence Section, and be witnessed by the Property and Evidence Supervisor.

TRACE OF FOUND PROPERTY FIREARMS

- 708.38 The “Project Safe Neighborhoods” program provides for the Wichita Police Department to conduct a trace on found property firearms.

- A. A Larceny Section Lieutenant/Detective will review all cases involving found property firearms on a monthly basis.
- B. A Larceny Section Lieutenant/Detective will conduct a Firearms Tracing Search through ATFE on firearms submitted as “Found Property” in an attempt to locate an identifiable owner, when applicable.
- C. If an identifiable owner has been located, then the Investigative Detective/Lieutenant will follow Policy 708.39 on Release of Firearms Evidence.

DISPOSAL OF FIREARM EVIDENCE

- 708.39 When the evidence to be disposed of is a firearm, the Detective/Lieutenant shall ascertain whether it belongs to an identifiable owner. If the firearm to be released has an identifiable owner, then the Investigative Detective/Lieutenant will follow Policy 708.39 on Release of Firearms Evidence. Purge Reports and Computer Printouts on firearms to be destroyed will be forwarded to the Supervisor of the Property and Evidence Section. Firearms that are unable to be returned to a legal owner will be handled in the following manner:
- A. On the fifteenth days of the months of January, April, July and October, the Property and Evidence Section Supervisor shall forward a list of all firearms, which are unable to be returned to legal owners to the Investigations Division Commander.
 - B. The Investigations Division Commander shall appoint a person knowledgeable about firearms to personally inspect and inventory them. The person conducting the firearms inventory shall develop two (2) lists, composed of the following categories:
 - 1. Firearms or firearm parts to be retained for official use by the Wichita Police Department personnel shall be approved by the Investigations Division Commander as authorized for retention by the Chief of Police and authorized by the court of jurisdiction, City Code Section 5.88.010 (7) (B);
 - 2. Firearms identified for destruction [these are all other firearms confiscated by the Wichita Police Department that do not meet the criteria listed in category [1] above].
 - C. After such a determination has been made, the Commander of the Investigations Division shall forward the destruction list to the City of Wichita Department of Law for presentation to the City Council.
 - D. Once the Department of Law has obtained necessary City Council permission, the Investigations Division Commander shall direct the Property and Evidence Section supervisor to destroy those firearms ordered destroyed. All firearms that have been ordered destroyed by the City Council shall not be returned to any claimant.

TRANSFER OF FIREARMS

- 708.40 Firearms, which have been authorized to be destroyed, can be transferred to the Sedgwick County Forensic Science Center Firearms Collection upon approval by the Investigations Division Commander and the Director of Technical Services Bureau as authorized by K.S.A. 21-4206, Section #2 of Kansas State Forfeiture Act.

RELEASE OF FIREARM EVIDENCE

- 708.41 Prior to releasing a firearm to an identifiable owner, the Investigative Detective/Lieutenant will conduct a complete records check to include Municipal Court, District Court, and TRIPLE I on the owner prior to releasing the firearm, to ensure the defendant has not been convicted in Municipal or District Court of committing a crime involving firearms or Domestic Violence. The TRIPLE I check shall be noted on the WPD Property Release [Form 322-400]. In addition, the following criteria should be used when determining whether a firearm can be released to an owner:
- A. A firearm shall not be released if the owner is prohibited from possessing a firearm under the following Federal Guidelines:
 - 1. If the owner has been convicted of any federal felony for which the judge imprisoned the owner for more than one year then the owner is prohibited from possessing a firearm for life.
 - 2. If the owner has been convicted in any court of a misdemeanor crime of domestic violence the owner is prohibited from possessing a firearm for life.
 - B. A firearm shall not be released if the owner is prohibited from possessing a firearm under the appropriate State guidelines.